THE HON'BLE SRI JUSTICE D. APPA RAO

W.P. No. 10364 of 2001

Dated:19.07.2006

Between:-

M.Ramesh

..Petitioner

And

1. Andhra Bank, Hyderabad and others.

..Respondents.

O R D E R:

The petitioner, who is working as a Temporary Sub-Staff, seeks a direction to regularize his services as Sub-Staff in the respondent-bank.

2. It is the case of the petitioner that he has been working as temporary Sub-Staff in respondent-Bank since 1991 continuing all through except for few artificial breaks. The respondent-Bank entered into a settlement with recognized Trade Union on 09-01-1995, by which, the temporary candidates who have completed 240 days of service in any 12 consecutive months, will be absorbed into permanent service during the period from 01-01-1982 to 16-12-1991. Since he has fulfilled the conditions, call letter for interview to consider his candidature for empanelment was sent and his name was included in the panel at Serial No.27. Though the respondent-Bank promoted several persons working as Sub-Staff, his case was not considered for absorption to the said post. Therefore, he filed the writ petition for his absorption in the cadre of

Sub-Staff and consequential benefits.

3. Heard the learned counsel for the parties.

4. Learned counsel for the respondents submitted that a scheme has been formulated by virtue of memorandum of settlement dated 09-01-1995 arrived at under Section 12 (3) of the

Industrial Disputes Act, 1947, between the respondent-Bank and the Employees' Union of the respondent-Bank regarding the Empanelment and absorption of temporary candidates in sub-ordinate cadre. He contended that the name of the petitioner would be considered at the appropriate time after considering the names of persons who are seniors to him.

5. One of the terms of the settlement dated 09-01-1995 reads as under:

> "The Bank will engage the services of the empanelled candidates under this settlement along with already existing panel candidates, if any, in leave vacancies in their respective district by rotation for a maximum period of 30 days at a stretch till such time, the scope for their absorption arises."

6. The grievance of the petitioner is that he was not given regular employment though his name was empanelled long back. However, it is not his case that the bank did not adhere to the settlement dated 09-01-1995.

7. In the light of the above circumstances, I feel a direction could be given to the respondent-Bank to consider the candidature of the petitioner for absorption as per the terms and settlement of the existing Rules. The respondent-Bank is directed to consider the candidature of the petitioner as per the terms of the settlement of the existing Rules.

8. Accordingly, the Writ Petition is disposed of with the above said direction. No costs.

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D. APPA RAO,

J

19th July, 2006
kvr